

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of March 29, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

In the Office Action, Claims 1-4, 6-7, 9-10, 12-19, 21-23, and 25-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application 2003/0225600 to Slivka, *et al.* (hereinafter Slivka). Claims 5 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Slivka, in view of U.S. Published Patent Application 2002/0133456 to Lancaster, *et al.* (hereinafter Lancaster). Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Slivka, in view of U.S. Patent 6,112,185 to Walker, *et al.* (hereinafter Walker). Claims 11 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Slivka, in view of U.S. Published Patent Application 2002/0082878 to Boies, *et al.* (hereinafter Boies). Additionally, Claims 2, 4, 5, 10-13, 17, 19, and 20 were rejected under 35 U.S.C. § 112, second paragraph.

Applicants have amended independent Claims 1, 14, and 16 to further emphasize certain aspects of the invention. Applicants also have amended dependent Claims 2, 4, 10-13, 17 and 19 to maintain consistency among the claims and to address the issues raised under 35 U.S.C. § 112, second paragraph. Applicants have cancelled Claims 5, 7, 20-22. As discussed in the following section, the claim amendments are fully supported throughout the Specification. No new matter has been introduced through the claim amendments.

Aspects Of Applicants' Invention

Prior to addressing the cited references, it may be useful to reiterate certain aspects of Applicants' invention. One embodiment of the invention is a method for rebooking passengers when seats on a commercial flight flown by a commercial airline are overbooked. (See, e.g., Specification, paragraph [0016], lines 1-11 and paragraph [0018], lines 1-11; see also paragraph [0003], lines 1-7.)

The method can include storing passenger data for each passenger booked on the flight, and determining denied boarding candidates for the flight given that the flight is overbooked. (See, e.g., Specification, paragraph [0018], lines 2-3.) Using the passenger data, a cost of rebooking the denied boarding candidates can be computed for each of the denied boarding candidates. (See, e.g., Specification, paragraph [0014], lines 8-9.) The rebooking cost, more particularly, can be the lesser of (a) the cost of paying for the denied boarding candidate to travel on a different flight flown by a different commercial airline or (b) the cost, including lodging and meals, to accommodate the denied boarding candidate until the denied boarding candidate can be flown on a later flight flown by the commercial airline. (See, e.g., Specification, paragraph [0014], lines 9-11 and lines 14-17.)

The method can further include computing, for each denied boarding candidate, a lifetime value to the commercial airline of the denied boarding candidate. (See, e.g., Specification, paragraph [0014], lines 11-14; and paragraph [0017], lines 3-6.) Additionally, the method can include computing, for each denied boarding candidate, a financial value of the denied boarding candidate based upon the lifetime value of the denied boarding candidate and the cost of rebooking the denied boarding candidate. (See, e.g., Specification, paragraph [0017], lines 6-8.) The passenger data for the denied boarding candidates can be compared and each denied boarding candidate can be ranked

according to their corresponding financial values to the airline. (See, e.g., Specification, paragraph [0014], lines 1-8; paragraph [0016], lines 7-10.)

Based on the financial values, passengers can be selected for the flight. According to the method, more particularly, when one available seat on the commercial flight remains, and two denied boarding candidates prefer to fly on the commercial flight, the available seat can be assigned to the denied boarding candidate having the higher financial value to the commercial airline. (See, e.g., Specification, paragraph [0016], lines 1-11.) When two denied boarding candidates prefer to voluntarily accept an incentive offered to rebook, the denied boarding candidate having the higher financial value can be selected to receive the incentive. (See, e.g., Specification, paragraph [0016], lines 1-9; see also paragraph [0014], lines 5-8.)

The Claims Define Over The Cited References

As already noted, independent Claims 1, 14, and 16 were each rejected as being anticipated by Slivka. Slivka is directed to a system and method for "re-accommodating" passengers, such as those on an airline flight, who are affected by a travel "disruption" or other "change in [their] travel itinerary." (See, e.g., paragraph [0014].)

Slivka's "re-accommodation" procedure, based upon a "passenger flow model," focuses exclusively on determining an alternative "travel service" or route for a passenger whose original "itinerary" has been disrupted:

"[T]he passenger flow model re-accommodation process determines how to move a disrupted passenger from a passenger's origin or an en route location to their intended destination using one or more alternate travel services. A disrupted passenger, as used herein, is associated with an individual that has a booked, scheduled, or reserved opportunity to receive

a travel service, such as a booked seat on an airline, train, tour bus, etc."
(Paragraph [0014], lines 19-27.) (Emphasis supplied.)

As expressly described, Slivka seeks an alternate route with an alternate travel service for a passenger facing a travel disruption, such as a commercial airline traveler whose flight has been cancelled. Slivka, however, does not even contemplate determining which passengers among a set of passengers should be selected for rebooking when a commercial airline flight is overbooked; Slivka nowhere even refers to the situation of an overbooked commercial flight.

Applicants' invention provides a mechanism for selecting particular passengers from among a set of passengers for rebooking on an overbooked flight. Moreover, Applicants' selection mechanism selects passengers in a manner that takes into account the financial impact on the airline by selecting one passenger over another.

Slivka teaches nothing about selecting particular passengers from among a larger passenger, let alone doing so in a manner that mitigates the financial impact on an airline with an overbooked flight. Slivka looks at each passenger in isolation when determining an alternate travel itinerary. Although Slivka takes into account "a value for a disrupted passenger," Slivka does so in the context of choosing an optimal "alternative itinerary" for a single passenger without considering the passenger in relation to a group of passengers. Specifically, Slivka does not contemplate the financial impact of selecting one passenger over another.

Thus, Slivka provides no mechanism by which one or more passengers can be selected out of a set of passengers for rebooking, taking into account the financial impact of the selection on an airline or other travel carrier. Re-accommodating a particular passenger teaches nothing about determining which passengers among a group of passengers should be selected for "re-accommodation." Applicant's invention does

provide a mechanism for selecting particular passengers based on the financial impact of the selection on an airline.

Specifically, Slivka does not identify a plurality of denied boarding candidates in the situation of an overbooked commercial airline flight, as recited in amended Claims 1, 14, and 16. More fundamentally, Slivka does not rank each denied boarding candidate according to financial values for the airlines of each candidate, as also recited in Claims 1, 14, and 16. Moreover, Slivka does not compute financial values based upon the lifetime values to the airline of each candidate and corresponding costs of rebooking each candidate, as further recited in Claims 1, 14, and 16.

In particular, Slivka provides no mechanism for choosing which candidate to assign the last available seat on a flight to when one available seat on the commercial flight remains. Slivka similarly fails to provide any mechanism for choosing which candidate to rebook when two denied boarding candidates prefer to voluntarily accept an incentive offered to rebook.

It therefore follows that Slivka does not teach a remaining available seat to a denied boarding candidate having the higher financial value to the commercial airline whenever one available seat on the commercial flight remains and two denied boarding candidates prefer to fly on the commercial flight. It also follows that Slivka does not teach selecting the denied boarding candidate having the higher financial value to receive an incentive when two denied boarding candidates prefer to voluntarily accept an incentive offered to rebook.

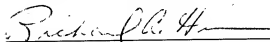
Accordingly, Slivka fails to expressly or inherently teach every feature recited in Claims 1, 14, and 16, as amended. Applicants respectfully submit, therefore, that Claims 1, 14, and 16 define over the prior art. Applicants further respectfully submit that, whereas each of the remaining claims depends from Claim 1, 14, or 16, the dependent claims likewise define over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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